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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,715	09/12/2005	Ulrich Ensslin	095309.55962US	5947
23911 7590 10/29/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER JARRETT, RYAN A	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 10/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/525,715

Applicant(s)

DAIMLERCHRYSLER AG

Examiner

Ryan A. Jarrett

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0/24/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 02/24/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

Claims 15, 17, 19, 21 objected to because of the following informalities:

In claim 15 line 8, it appears that "at least one" should be inserted before "control device", for proper antecedent basis. It appears that similar changes should be made at claim 15 line 11, claim 19 line 1, claim 21 line 8, and claim 21 line 11.

In claim 17 line 2, it appears that the first instance of " $T_{krit}$ " should be changed to " $T_{inf}$ ", per the specification.

In claim 17 line 3, it appears that the first instance of "a" should be changed to "the", in order to maintain a clear line of antecedent basis with the threshold value temperature  $T_{th}$  already recited in claim 15.

In claim 17 line 3, "valve" should be changed to "value".

In claim 17 line 3, it appears that a comma should be inserted after "driver".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the wakeup standby mode" in line 2. There is insufficient antecedent basis for this limitation in the claim. Although claim 15 recites "wakeup requests", there is no recitation of any "standby mode" or "wakeup standby mode" in claim 15.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Burnus et al. US 6,014,304.

Burnus discloses

**15. A method for temperature management in a network, wherein control devices exchange data via the network using transmitting/receiving units and the temperature is measured at at least one control device, the method comprising the acts of:**

**measuring the temperature at the transmitting/receiving unit of at least one control device (e.g., col. 1 line 66 – col. 2 line 4);**

**switching off the transmitting/receiving unit as soon as the temperature at the transmitting/receiving unit of the control device exceeds a predefined critical temperature  $T_{krit}$ ; (e.g., col. 2 lines 4-8)**

**blocking wakeup requests put onto the network via the control devices as soon as the temperature at the transmitting/receiving unit of the control device exceeds a predefined critical temperature  $T_{krit}$  (e.g., col. 2 lines 4-16);**

**canceling the blocking of the wakeup requests as soon as the temperature of the transmitting/receiving unit has dropped to a temperature below the**

predefined critical temperature  $T_{krit}$  and below a predefined threshold value temperature  $T_{th}$  within a predefined time period, wherein the threshold value temperature  $T_{th}$  lies below the critical temperature  $T_{krit}$  (e.g., col. 2 lines 4-16); and

placing the at least one control device in an energy saving mode as soon as the temperature of the transmitting/receiving unit exceeds the predefined critical temperature  $T_{krit}$  (e.g., col. 2 lines 16-21, col. 2 lines 39-46: “when the temperature is exceeded in a component (actuator or control apparatus), not only the individual actuator is non-operable, but the entire functional system is put out of operation synchronously for a specific period of time, except for a permissible safety actuation, *Note: The temperature detection function of the controller of Burnus et al. additionally remains operable when the temperature exceeds the critical temperature. These combined features constitute an “energy saving mode” since most functionality of the controller is rendered non-operable, except for limited safety actuation and temperature detection functions.*).

16. (e.g., col. 2 lines 16-21, col. 2 lines 39-46)
17. (e.g., col. 2 lines 22-27)
18. (e.g., col. 2 lines 27-32)
19. (e.g., col. 2 lines 4-8, col. 2 lines 16-21, col. 2 lines 39-46)
22. (e.g., col. 1 line 66 – col. 2 line 6)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnus et al. as applied to claim 15 above, and further in view of the optical network of Shirakawa et al. US 2001/0043775 (e.g., [0003]) and the electric wakeup to ground line of Friede et al. US 6,590,758 (e.g., col. 6 lines 45-52).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnus et al. as applied to claim 15 above, and further in view of the ring topology network of Shirakawa et al. US 2001/0043775 (e.g., [0003]).

***Allowable Subject Matter***

Claim 21 is allowable, pending correction of the objections noted above.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or fairly suggest storing a fault code for diagnostic purpose when the critical temperature  $T_{krit}$  is reached, wherein  $T_{krit}$  is the predefined critical temperature of the transmitting/receiving unit of the control device, in combination with the remaining features and elements of the claimed invention.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Millsap et al. US 6,484,082 discloses in-vehicle network management using virtual networks, but makes no mention of measuring the temperature at the control devices on the network.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan A. Jarrett  
Primary Examiner  
Art Unit 2125



10/24/07